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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL CANCINO-ORTIZ,

Defendant.

Case No. SA12-565M

ORDER OF DETENTION

[Fed.R.Crim.P. 32.1(a)(6); 18 U.S.C.
§3143(a)]

The defendant having been arrested in this judicial district pursuant to a warrant issued by the Honorable Jeffrey T. Miller, United States District Judge, of the United States District Court for the Southern District of California, for an alleged violation of the terms and conditions of the defendant's supervised release; and

The Court having conducted a detention hearing pursuant to Federal Rule of Criminal Procedure 32.1(a)(6) and 18 U.S.C. § 3143(a), The Court finds that:

A. (X) The defendant has not met his burden of establishing by clear and convincing evidence that he is not likely to flee if released under 18 U.S.C. § 3142(b) or (c) because he failed to proffer any evidence rebutting the statutory presumption. Further, the defendant is a flight risk because of the defendant's lack of bail resources, lack of a stable residence, and the nature of the charge offense, which indicates the defendant is unlikely to comply with conditions of release; and

1 B. (X) The defendant has not met his burden of establishing by clear and convincing
2 evidence that he is not likely to pose a danger to the safety of any other person
3 or the community if released under 18 U.S.C. § 3142(b) or (c) by failing to
4 proffer any evidence to refute the statutory presumption. Further, the
5 defendant is a danger to the community because of the nature of the charged
6 offense and his criminal history.

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8 IT THEREFORE IS ORDERED that the defendant be detained pending the further
9 revocation proceedings in the charging district.

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12 Dated: December 4, 2012

13 /s/ Arthur Nakazato
14 ARTHUR NAKAZATO
15 UNITES STATES MAGISTRATE JUDGE
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